



**CITY OF SUNNYVALE
REPORT
Planning Commission**

April 24, 2006

SUBJECT: **2006-0087** – Application on a 6,211 square foot site located at **734 Ashbourne Dr** (near E. Fremont Ave) in an R-0 (Low-Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.34.040 to allow a six-foot setback where nine feet is required.

REPORT IN BRIEF

Existing Site Conditions Existing single-story residence

Surrounding Land Uses

North Single-Family Residential

South Single-Family Residential

East Single-Family Residential

West Single-Family Residential

Issues Justifications for a variance

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Administrative Hearing Officer's Action Denied Variance Application

Staff Recommendation Deny the appeal and uphold the decision to deny the Variance

Background

This application was heard before the Planning Commission at the April 10, 2006 meeting. At that time the Commission continued the item to the April 24th meeting so that staff could research the following two issues: 1) the residence has a unique circumstance since it has been raised out of a flood zone, and 2) the sewer connection to the home requires the addition to be located on the side of the residence. The staff report from April 10th is attached and includes the majority of the project background and description. This additional report addresses the specific issues discussed at the hearing.

Flood Zone Information

A majority of the homes in the Ashbourne and Flicker Way neighborhood are in the AO flood zone (depths of one to three feet). The subject home was raised out of the flood zone when it was constructed by raising the grade elevation of the parcel. The parcel was raised by approximately three to four feet. Since that time the property owner applied and received approval to have the residence removed from the AO flood zone.

The grade difference in the site has little effect on the construction techniques and costs required to build the addition. If the addition is placed in the rear of the existing structure, then no grade change is required. If the addition is placed on the side (as proposed by the applicant) the elevated grade will be required to be extended a short distance towards the street in order to create a level area for the addition.

Sewer Connection

The existing sewer lateral is connected into the City main line on the Ashbourne side of the residence. All sewer lines are required under the Uniform Plumbing Code to maintain certain slopes (1/8" over 1', rise over run) leading down towards the street away from the house. Typically the existing sewer lateral exceeds the minimum requirements for the slope, making a tie in to the existing line possible. In these cases, the tie-in occurs under the floor of the home and within the existing foundation framework.

In less common circumstances the existing sewer lateral cannot be extended to accommodate a new drain and a sewer line is required to be connected into the lateral closer to the street. In these cases, a second lateral must be trenched underneath the foundation of the home before it can be tied into the existing line leading to the City sewer.

When a second lateral is required to be trenched under the foundation, it becomes more expensive than a standard connection within the foundation

walls. Although there is an added cost for this type of project, it is not an uncommon situation for a homeowner in Sunnyvale.

The applicant was requested to provide an estimate of the project cost difference from their general contractor. If the applicant can obtain this information, it will be available at the Planning Commission hearing.

Conclusion

Applicant's Justification: The applicant has stated the following justification to help make the Variance application findings:

- Other parcels in the neighborhood are not raised out of the flood zone; therefore this parcel has a unique circumstance relative to other properties in the vicinity.
- The proposed addition would require a more expensive sewer line connection that would be a hardship to the property owner.
- Granting the Variance would not grant a special privilege to the applicant, which would not also be enjoyed by the neighbors.

Discussion: Staff cannot make the first finding regarding exceptional or extraordinary circumstances or conditions that apply to this property due to the parcel's size, shape, use, topography, location, or surroundings. Staff does not find that the grade change on this property has created a physical hardship to would allow this finding to be made. Staff also does not find the sewer lateral issue to be a unique circumstance or condition that applies only to this property, since it is not an uncommon situation, although it does create a more expensive project for the applicant.

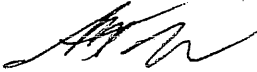
Alternatives

1. Deny the appeal and uphold the decision to deny the Variance.
2. Grant the appeal and approve the Variance with attached conditions.
3. Grant the appeal and approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:



Steve Lynch
Project Planner

Approved by:



Gerri Caruso
Principal Planner

Attachments:

- A-F. Previously Submitted Planning Commission Report from April 10, 2006
with Attachments A-F.
 - G. Draft Planning Commission meeting minutes from April 10, 2006
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